

## CHAPTER 21 ELECTION FORMS AND INSTRUCTIONS

[Prior to 7/13/88, see Secretary of State(750), Ch 11]

### DIVISION I GENERAL ADMINISTRATIVE PROCEDURES

**721—21.1(47) Emergency election procedures.** The state commissioner of elections may exercise emergency powers over any election being held in a district in which either a natural or other disaster or extremely inclement weather has occurred. The state commissioner may also exercise emergency powers during an armed conflict involving United States armed forces, or mobilization of those forces, or if an election contest court finds that there were errors in the conduct of an election making it impossible to determine the result.

**21.1(1) Definitions.**

“*Commissioner*” means the county commissioner of elections.

“*Election contest court*” means any of the courts specified in Iowa Code sections 57.1, 58.4, 61.1, 62.1 and 376.10.

“*Extremely inclement weather*” means a natural occurrence, such as a rainstorm, windstorm, ice storm, blizzard, tornado or other weather conditions, which makes travel extremely dangerous or which threatens the public peace, health and safety of the people or which damages and destroys public and private property.

“*Natural disaster*” means a natural occurrence, such as a fire, flood, blizzard, earthquake, tornado, windstorm, ice storm, or other events, which threatens the public peace, health and safety of the people or which damages and destroys public and private property.

“*Other disaster*” means an occurrence caused by machines or people, such as fire, hazardous substance or nuclear power plant accident or incident, which threatens the public peace, health and safety of the people or which damages and destroys public and private property.

“*State commissioner*” means the state commissioner of elections.

**21.1(2) Notice of natural or other disaster or extremely inclement weather.** The county commissioner of elections, or the commissioner’s designee, may notify the state commissioner of elections that due to a natural or other disaster or extremely inclement weather an election cannot safely be conducted in the time or place for which the election is scheduled to be held. If the commissioner or the commissioner’s designee is unable to transmit notice of the hazardous conditions, the notice may be given by any elected county official. Verification of the commissioner’s agreement with the severity of the conditions and the danger to the election process shall be transmitted to the state commissioner as soon as possible. Notice may be given by telephone or by facsimile machine, but a signed notice shall also be delivered to the state commissioner.

**21.1(3) Declaration of emergency due to natural or other disaster or extremely inclement weather.** After receiving notice of hazardous conditions, the state commissioner of elections, or the state commissioner’s designee, may declare that an emergency exists in the affected precinct or precincts. A copy of the declaration of the emergency shall be provided to the commissioner.

**21.1(4) Emergency modifications to conduct of elections.** When the state commissioner of elections has declared that an emergency exists due to a natural or other disaster or to extremely inclement weather, the county commissioner of elections, or the commissioner’s designee, shall consult with the state commissioner to develop a plan to conduct the election under the emergency conditions. All modifications to the usual method for conducting elections shall be approved in advance by the state commissioner unless prior approval is impossible to obtain.

Modifications may be made to the method for conducting the election including relocation of the polling place, postponement of the hour of opening the polls, postponement of the date of the election if no candidates for federal offices are on the ballot, reduction in the number of precinct election officials in nonpartisan elections, or other reasonable and prudent modifications that will permit the election to be conducted.

**21.1(5) *Relocation of polling place.*** The substitute polling place shall be as close as possible to the usual polling place and shall be within the same precinct if possible. Preference shall be given to buildings which are accessible to the elderly and disabled. Buildings supported by taxation shall be made available without charge by the authorities responsible for their administration. If it is necessary, more than one precinct may be located in the same room.

A notice of the location of the substitute polling place shall be posted on the door of the former polling place not later than one hour before the scheduled time for opening the polls or as soon as possible. If it is unsafe or impossible to post the sign on the door of the former polling place, the notice shall be posted in some other visible place at or near the site of the former polling place. If time permits, notice of the relocation of the polling place shall be published in the same newspaper in which notice of election was published, otherwise notice of relocation may be published in any newspaper of general circulation in the political subdivision which will appear on or before election day. The commissioner shall inform all broadcast media and print news organizations serving the jurisdiction of the modifications.

**21.1(6) *Postponement of election.*** An election may be postponed until the following Tuesday. If the election involves more than one precinct, the postponement must include all precincts within the political subdivision. If the election is postponed, ballots shall not be reprinted to reflect the modification in the election date. The date of the close of voter registration for the election shall not be extended. Precinct election registers prepared for the original election date may be used or reprinted at the commissioner's discretion.

On the day that the postponed election is actually held all election day procedures must be repeated.

**21.1(7) *Absentee voting in postponed elections.*** Absentee ballots shall be delivered to voters until the date the election is actually held. Absentee ballots shall be accepted at the commissioner's office until the hour the polls close on the date the election is held. Absentee ballots which are postmarked no later than the day before the election is actually held shall be accepted if received no later than the time prescribed by the Iowa Code for the usual conduct of the election. The time shall be calculated from the date on which the election is held, not the date for which the election was originally scheduled.

**21.1(8) *Special precinct board in postponed elections.*** The special precinct board shall meet to consider special ballots at the times specified in Iowa Code sections 50.22 and 52.23, calculated from the date the election is held. No absentee ballots shall be counted until the date the election is held.

**21.1(9) *Canvass of votes in postponed elections.*** The canvass of votes shall also be rescheduled for one week following the original date.

**21.1(10) *Postponements made on election day.*** If the emergency is declared while the polls are open and the decision is made to postpone the election, each precinct polling place in the political subdivision shall be notified to close its doors and to halt all voting immediately. People present in the polling place who are waiting to vote shall not be given ballots or admitted to the voting machines, as appropriate. People who have received ballots shall deposit them in the ballot box; unmarked ballots may be returned to the precinct election officials.

The precinct election officials shall seal all ballots which were cast before the declaration of the emergency in secure containers. The containers shall be clearly marked as ballots from the postponed election. If it is safe to do so, the ballot containers, election register, and other election supplies shall be transported to the commissioner's office. The ballots shall be stored in a secure place. If it is unsafe to travel to the commissioner's office, the chairperson of the precinct election board shall see that the ballots and the election register are securely stored until it is safe to return them to the commissioner. If no contest is pending six months after the canvass for the election is completed, the unopened ballot containers shall be destroyed.

If voting machines are used, the machines shall be closed and sealed without printing the results. Before the date the election is held the machines shall be reset to zero. Any documents showing the progress of the count shall be sealed and stored. No one shall reveal the progress of the count. After six months, the envelope containing the vote totals shall be destroyed if no contest is pending.

**21.1(11) *Records kept.*** The state commissioner of elections shall maintain records of each emergency declaration. The records shall include the following information:

- a. The county in which the emergency occurred.
- b. The date and time the emergency declaration was requested.
- c. The name and title of the person making the request.
- d. Name and date of the election affected.
- e. The jurisdiction for which the election is to be conducted (school, city, county, or other).
- f. The number of precincts in the jurisdiction.
- g. The number of precincts affected by the emergency.
- h. The nature of the emergency, i.e., natural or other disaster, or extremely inclement weather.
- i. The date or dates of the occurrence of the natural or other disaster or extremely inclement weather.
- j. Conditions affecting the conduct of the election.
- k. Whether the polling places may safely be opened on time.
- l. Action taken: such as moving the polling place, change voting system, postpone election until the following Tuesday.
- m. Method to be used to inform the public of changes made in the election procedure.
- n. The signature of the state commissioner or the state commissioner's designee who was responsible for declaring the emergency.

**21.1(12) *Federal elections.***

a. If an emergency occurs that will adversely affect the conduct of an election at which candidates for federal office will appear on the ballot, the election shall not be postponed or delayed. Emergency measures shall be limited to relocation of polling places, modification of the method of voting, reduction of the number of precinct election officials at a precinct and other modifications of prescribed election procedures which will enable the election to be conducted on the date and during the hours required by law.

The primary election held in June of even-numbered years and the general election held in November of even-numbered years shall not be postponed. Special elections called by the governor pursuant to Iowa Code section 69.14 shall not be postponed unless no federal office appears on the ballot.

b. If a federal or state court order or any other order extends the time established for closing the polls pursuant to Iowa Code section 49.73, any person who votes after the statutory hour for closing the polls shall vote only by casting a provisional ballot pursuant to Iowa Code section 49.81. Provisional ballots cast after the statutory hour for closing the polls shall be sealed in a separate envelope from provisional ballots cast during the statutory polling hours. The absentee and special voters precinct board shall tabulate and report the results of the two sets of provisional ballots separately.

**21.1(13) *Report to state commissioner.*** A report of the actions taken and recommendations for future situations shall be prepared by the commissioner and sent to the state commissioner of elections not later than one week following the canvass of the election.

**21.1(14) *Military emergencies.*** During an armed conflict involving the United States armed forces, or mobilization of those forces, the state commissioner of elections may order the use of facsimile transmission of absentee ballots to electors if the Federal Voting Assistance Office in the Department of Defense requests that this service be made available to personnel in military operations.

If requested by the Department of Defense, absentee ballots may be returned via facsimile transmission if the elector waives the right to a secret ballot. In addition to the affidavit required by Iowa Code section 53.13, the elector shall sign a statement in substantially the following form: "I understand that by returning this ballot by facsimile transmission my voted ballot will not be secret. I hereby waive my right to a secret ballot."

When absentee ballots are received via facsimile transmission, the person receiving the transmission shall examine the transmission to determine that all pages have been received and are legible. The person receiving a facsimile transmission shall not reveal how the elector voted.

The absentee ballot shall be sealed in an envelope marked with the elector's name. The affidavit of the elector and the application for the ballot shall be attached to the envelope. These materials shall be stored with other returned absentee ballots.

**21.1(15) *Election contest emergency.*** If an election contest court finds that there were errors in the conduct of an election which make it impossible to determine the result of the election, the contest court shall notify the state commissioner of elections of its finding. The state commissioner shall order a new election to be held. The election date shall be set by the state commissioner. The repeat election shall be conducted under the state commissioner's supervision.

The repeat election shall be held at the earliest possible time, but it shall not be held earlier than 14 days after the date the election was set aside. Voter registration, publication, equipment testing and other applicable deadlines shall be calculated from the date of the repeat election.

The repeat election shall be conducted under the same procedures required for the election that was set aside, except that all known errors in preparation and procedure shall be corrected. The nominations from the initial election shall be used in the repeat election unless the contest court specifically rejects the initial nomination process in its findings. Precinct election officials for the repeat election may be replaced at the discretion of the auditor.

The following materials prepared for the original election shall be used or reconstructed for the repeat election:

Ballots (showing the date of repeat election). This may be stamped on ballots printed for the original election.

Notice of election (showing the date of repeat election).

This rule is intended to implement Iowa Code section 47.1.

**721—21.2(47) *Facsimile documents.*** Certain documents may be submitted via facsimile machine.

**21.2(1) *Facsimile documents accepted for filing.*** Assuming that all other legal requirements are met, the following documents may be submitted by facsimile machine if presented to the appropriate filing officer as facsimiles of the original and if subrule 21.2(2) is complied with:

- a. Affidavits of candidacy required by Iowa Code chapters 43, 44, 45, 161A, 260C, 277, 376, and 420.
- b. Applications for absentee ballots pursuant to Iowa Code chapter 53.
- c. Certificates of nomination by convention under Iowa Code chapters 43, 44 and 54.
- d. Judicial declarations of candidacy required under Iowa Code chapter 46.
- e. Lists of presidential electors required by Iowa Code chapters 43 and 54.

- f. Notices of intent to contest elections filed under Iowa Code chapters 61, 62 and 376.
- g. Objections to nomination papers filed under Iowa Code chapters 43, 44, and 277.
- h. Resignation notice by elected or appointed officials filed under Iowa Code section 69.4.
- i. Requests for recounts filed under Iowa Code chapters 43 and 50.
- j. Withdrawal notices by candidates filed under Iowa Code chapters 43, 44, 50.46 and 277.
- k. Abstracts of votes filed with the state commissioner of elections pursuant to Iowa Code section 50.46.

**21.2(2) *Original documents.*** The original copy of documents submitted by facsimile machine shall also be filed. The original shall be mailed to the appropriate commissioner. The envelope bearing the original document shall be postmarked not later than the last day to file the document.

a. The filing shall be void if the original of a document filed by facsimile machine is not received within seven days after the filing deadline for the original document.

b. The filing shall be void if the postmark on the envelope containing the original document is later than the filing deadline date.

c. If a filing is voided because the original of a document submitted by facsimile machine was postmarked too late or arrives too late, the person who filed the document shall be notified immediately in writing.

**21.2(3) *Documents not acceptable by facsimile.*** Only the original of the following documents will be accepted for filing:

a. Absentee ballots and any affidavit required to accompany an absentee ballot under Iowa Code chapter 53.

b. Abstracts of votes filed with the state commissioner of elections pursuant to Iowa Code chapters 43 and 50, except those filed under Iowa Code section 50.46.

c. Nomination petitions filed under Iowa Code chapters 43, 45, 161A, 277, 280A, and 376.

This rule implements Iowa Code sections 43.6, 43.11, 43.16, 43.19, 43.21, 43.23, 43.24, 43.54, 43.56, 43.60, 43.67, 43.76, 43.78, 43.80, 43.88, 43.115, 43.116, 44.3, 44.4, 44.9, 44.16, 45.3, 45.4, 46.20, 47.1, 47.2, 50.30, 50.31, 50.32, 50.33, 50.46, 50.48, 53.2, 53.8, 53.11, 53.17, 53.21, 53.22, 53.40, 53.45, 54.5, 61.3, 62.5, 69.4, 161A.5, 260C.15, 277.4, 277.5, 376.4, 376.10, 376.11, and 420.130.

## **721—21.3(49) Voter identification documents.**

**21.3(1)** A precinct election official may require identification from any person whom the official does not know.

**21.3(2)** Precinct election officials shall require identification under the following circumstances:

a. From any person offering to vote whose name does not appear on the election register as an active voter.

b. From any person offering to vote whose name is not on the election register and who wants to report a change of address from one precinct to another within the same county.

**21.3(3)** The following identification documents shall be accepted from persons voting or registering to vote:

a. Current and valid photo identification card; or

b. A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

**21.3(4)** A person who has been requested to provide identification and does not provide it shall vote only by special ballot pursuant to Iowa Code section 49.81.

This rule is intended to implement Iowa Code section 49.77 and P.L. 107—252, Section 303.

**721—21.4(49) Changes of address at the polls.** An Iowa voter who has moved from one precinct to another in the county where the person is registered to vote may report a change of address at the polls on election day.

**21.4(1)** To qualify to vote in the election being held that day the voter shall:

- a. Go to the polling place for the precinct where the voter lives on election day.
- b. Complete a registration by mail form showing the person's current address in the precinct.
- c. Present proof of identity as required by rule 21.3(49).

**21.4(2)** The officials shall require a person who is reporting a change of address at the polls to cast a special ballot if the person's registration in the county cannot be verified. Registration may be verified by:

- a. Telephoning the office of the county commissioner of elections, or
- b. Consulting a printed list of all registered voters who are qualified to vote in the county for the election being held that day, or
- c. Consulting the county's voter registration records by use of a computer.

This rule is intended to implement Iowa Code section 49.77(3).

**721—21.5(47) Election filing deadlines.** Rescinded IAB 9/10/97, effective 10/15/97.

**721—21.6(49) Ballot boxes.** Rescinded IAB 9/10/97, effective 10/15/97.

**721—21.7(49) Secrecy folders.** Rescinded IAB 9/10/97, effective 10/15/97.

**721—21.8(78GA,HF2330) "Vote here" signs.**

1. Size. The signs shall be no smaller than 16 inches by 24 inches.
2. Exceptions. If a driveway leads away from the entrance to the voting area, or if the driveway is located in such a way that posting a "vote here" sign at the driveway entrance would not help potential voters find the voting area, no "vote here" sign shall be posted at the entrance to that driveway.

This rule is intended to implement Iowa Code section 49.21 as amended by 2000 Iowa Acts, House File 2330.

**721—21.9** Reserved.

**721—21.10(43) Application for status as a political party.** A political organization which is not currently qualified as a political party may file an application for determination of political party status with the state commissioner of elections. The application may be filed after the completion of the executive council's canvass of votes for the general election, but not later than one year after the date of the election at which the organization's candidate for President of the United States or governor received at least 2 percent of the vote.

**21.10(1) Application form.** The application shall be in substantially the following form:

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STATE OF IOWA  
APPLICATION FOR POLITICAL PARTY STATUS

To the State Commissioner of Elections:

At the General Election held on November \_\_\_\_, \_\_\_\_, a candidate of the political organization named below received at least 2 percent of the total number of votes cast for the office of

☐ President of the United States

☐ Governor of Iowa

Pursuant to the requirements of Iowa Code section 43.2, we hereby request that the State Commissioner of Elections notify the state registrar of voters, the voter registration commission and the 99 counties of Iowa that the political organization named below qualifies as a political party under Iowa law.

Political organization name: \_\_\_\_\_

(Please print the party name in the form it should appear on ballots, voter registration forms, and other records.)

Name of candidate for President or Governor: \_\_\_\_\_

Signed: \_\_\_\_\_  
Candidate

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Signed: \_\_\_\_\_  
Chairperson of Political Organization

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Date submitted: \_\_\_\_\_

Office use only:

Office of ☐ President of the United States

☐ Governor of Iowa

Total number of votes received for office: \_\_\_\_\_

Number of votes received by applicant: \_\_\_\_\_

Percentage of total: \_\_\_\_\_

The application is ☐ rejected.

☐ approved, effective 21 days from date of approval.

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Secretary of State and State Commissioner of Elections

Date: \_\_\_\_\_

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**21.10(2) Response.** If the political organization meets the requirements established in Iowa Code section 43.2, the commissioner shall declare that the organization has qualified as a political party, effective 21 days after the application is approved. If the organization does not meet the requirements, the state commissioner shall immediately notify the applicant in writing of the reason for the rejection of the application.

**21.10(3) Disqualification of political party.** If at the close of nominations for the general election a political party has not nominated a candidate for the office of President of the United States, or for governor, as the case may be, the political party shall be disqualified immediately.

If the candidate of a political party for President of the United States or for governor, as the case may be, does not receive 2 percent of the votes cast for that office at a general election, the political party shall be disqualified. The effective date of the disqualification shall be the date of the completion of the state canvass of votes.

When a political party is disqualified, the state commissioner shall immediately notify the chairperson or central committee of the disqualified political party.

**21.10(4) Notice of qualification and disqualification of political parties.** The state commissioner of elections shall immediately notify the state registrar of voters, the voter registration commission, and the county commissioners of elections when a political party is qualified or disqualified. The notice shall include the name of the political party and the date upon which change in political party status becomes effective.

The state commissioner of elections shall also publish notice of the qualification or disqualification of a political party in a newspaper of general circulation in each congressional district. The publication shall be made within 30 days of the approval of an application for qualification or within 30 days of the effective date of a disqualification.

This rule is intended to implement Iowa Code sections 43.2 and 47.1.

**721—21.11(44) Nonparty political organizations—nominations by petition.** Rescinded IAB 9/10/97, effective 10/15/97.

**721—21.12 to 21.19** Reserved.

**721—21.20(62) Election contest costs.** In determining the amount of the bond for election contests, the commissioner shall consider the following aspects of the cost of the election contest proceedings:

1. Fees as provided in Iowa Code section 62.22.
2. Fees for judges as provided in Iowa Code section 62.23.
3. The cost of making an official record of the proceedings.



**721—21.21(62) Limitations.** The amount of the bond shall not include costs not directly related to the contest court proceedings. Specifically, the amount of the bond shall not be intended to replace any potential lost income to the county caused by the delay in implementing the decision of the voters at the election being contested.

Rules 721—21.20(62) and 721—21.21(62) are intended to implement Iowa Code sections 62.6, 62.22, 62.23, and 62.24.

**721—21.22 to 21.24** Reserved.

**721—21.25(50) Administrative recounts.** When the commissioner suspects that voting equipment used in the election malfunctioned or that programming errors may have affected the outcome of the election, the commissioner may request an administrative recount after the day of the election but not later than three days after the canvass of votes. The request shall be made in writing to the board of supervisors explaining the nature of the problem and listing the precincts to be recounted and which offices and questions shall be included in the administrative recount.

The recount shall be conducted by members of the special precinct board following the provisions of Iowa Code sections 50.48 and 50.49. The recount board may use a computer program board which was not used in the election to compare with the suspected defective one.

This rule is intended to implement 1997 Iowa Acts, House File 636, section 59.

**721—21.26 to 21.29** Reserved.

**721—21.30(49) Inclusion of annexed territory in city reprecincting and redistricting plans.** If a city has annexed territory after January 1 of a year ending in zero and before the completion of the redrawing of precinct and ward boundaries during a year ending in one, the city shall include the annexed land in precincts drawn pursuant to Iowa Code sections 49.3 and 49.5.

**21.30(1)** When the city council draws precinct and ward boundaries, if any, the city shall use the population of the annexed territory as certified by the city to the state treasurer pursuant to Iowa Code section 312.3(4).

**21.30(2)** When the board of supervisors, or the temporary county redistricting commission, draws precinct and county supervisor district boundaries, if any, it shall subtract from the population of the adjacent unincorporated area the population of the annexed territory as certified by the city to the state treasurer pursuant to Iowa Code section 312.3(4).

**21.30(3)** The use of population figures for reprecincting or redistricting shall not affect the official population of the city or the county. Only the U.S. Bureau of the Census may adjust the official population figures, by corrections or by conducting special censuses. See Iowa Code section 9F.6.

This rule is intended to implement Iowa Code sections 49.3 and 49.5.

**721—21.31 to 21.49** Reserved.

**721—21.50(49) Polling place accessibility standards.**

**21.50(1) Inspection required.** Before any building may be designated for use as a polling place, the county commissioner of elections or the commissioner's designee shall inspect the building to determine whether it is accessible to persons with disabilities.

**21.50(2) Frequency of inspection.** Polling places that have been inspected using the Polling Place Accessibility Survey Form prescribed in subrule 21.50(4) shall be reinspected if structural changes are made to the building or if the location of the polling place inside the building is changed.

**21.50(3) Review of accessibility.** Not less than 90 days before each primary election, the commissioner shall determine whether each polling place needs to be reinspected.

**21.50(4) Standards for determining polling place accessibility.** The following survey form shall be used to evaluate polling places for accessibility to persons with disabilities.

The term “off-street parking” used in the polling place accessibility survey means parking places in lots separated from the street and includes angle parking along the street if the accessible route from the parking place to the polling place is entirely out of the path of traffic. Parking arrangements that require either the driver or passengers of the vehicle to go into the traveled part of the street are not accessible.

An access aisle at street level that is at least 60 inches wide and the same length as each accessible parking space shall be provided. An accessible public sidewalk curb ramp shall connect the access aisle to the continuous passage to the polling place. At least one parking place shall be van-accessible with a 96-inch access aisle connected to the continuous passage to the polling place by an accessible public sidewalk curb ramp. Two accessible parking spaces may share a common access aisle.

## Polling Place Accessibility Survey Form

County: \_\_\_\_\_

Polling place name or number: \_\_\_\_\_

Polling place address/location: \_\_\_\_\_

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### INSTRUCTIONS

**Purpose.** This form shall be used to evaluate the accessibility of polling places to persons with disabilities.

**How to use this form.** Inspect each potential polling place by going from the parking area to the voting area. You will need a yardstick, a tape measure and about 30 minutes.

Answer every question on the form by marking either “YES,” “NO,” or “N/A” (NOT APPLICABLE), as appropriate. Items on the survey with clear (unshaded) boxes are **required**. If a required item is marked “NO,” the polling place is **inaccessible**. The survey questions in shaded boxes are recommended. If a recommended item is marked “NO,” the polling place is **accessible, but inconvenient**, if all other responses are “YES” or “N/A.”

Polling places may be inaccessible for more than one reason. Please respond to every item and summarize the responses by category on the back page.

1. Name, address, and telephone number of person(s) completing this form:

2. Date of inspection: \_\_\_\_\_

<b>Category I: Parking</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
1. Are there off-street parking spaces either permanently or temporarily designated for the handicapped?			
2. Accessible off-street parking:			
a. Are designated parking spaces at least 13 feet wide, with at least one space van-accessible? (Parking space = 8 ft., aisle = 5 ft.; van-accessible parking space = 8 ft., aisle = 8 ft.)			
b. Are parking spaces on level ground (with a slope no greater than a rise of 1 foot in 50 feet)?			
c. Is the parking area surface stable, firm, and slip-resistant (concrete, asphalt, etc.)?			
d. Are the parking places within a reasonable travel distance (200 feet maximum) from the building?			
e. Is there a curb cut to connect these parking spaces to an accessible walk or to the building entrance?			
f. Are these parking spaces designated by post-mounted signs bearing the symbol of accessibility? (Signs should be high enough to be seen even when a vehicle is parked in the space.)			
3. Is there a relatively level passenger drop-off zone at least 4 feet wide with a curb cut connecting it to an accessible walk or to the building entrance?			

**End of Category I**

**Please go to next category**



<b>Category II: Walkways or pathways to the building</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
1. Is the surface of the walkway or pathway to the building stable, firm, and slip-resistant (concrete, asphalt, etc.)?			
2. Is the walkway or pathway to the building at least 48 inches wide?			
3. Are all curbs along the pathway to the building cut or ramped with at least 36 inches clear width and with slopes of no more than a 1-inch rise in 12 inches?			
4. Are all stairs or steps along the walkway or pathway to the building either ramped (with a slope of no more than a 1-foot rise in 20 feet) or else provided with a suitable alternative means of access?			
5. Do stairsteps along the walkway or pathway to the building have non-slip surfaces and handrails?			

Category II: Walkways or pathways to the building	YES	NO	N/A
6. Is the walkway or pathway to the building entrance:			
a. Free of protrusions (such as fire hydrants, tree trunks, or other obstacles) which narrow the passage to less than 48 inches?			
b. Free of any abrupt edges or breaks in the surface where the difference is over ¼ inch in height (such as where it crosses a driveway, parking lot, or another walkway, etc.)?			
c. Free of any overhanging objects (such as tree branches, signs, etc.) which hang lower than 80 inches?			
d. Free of any grating with openings of over ½ inch wide?			
7. Are walkways always well-lighted?			
8. Are provisions made to ensure that walkways are free of such hazards as ice, snow, leaves, or other debris on the day of election?			
9. Are there signs which identify the accessible route of travel if that route is different from the primary route of travel to the building?			

End of Category II

Please go to next category

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Category III: Ramps and elevators entering or inside the building	YES	NO	N/A
1. Are building stairs or steps which are over ¾ inch high (either at the entrance or between the entrance and the voting area) provided either with a ramp, with an elevator, or with an alternative means of unassisted passage (such as a chairlift or an alternative route of travel)?			
2. Ramps:			
a. Do all ramps have a slope no greater than a rise of 1 foot in 12 feet?			
b. Are ramps provided with non-slip surfaces?			
c. Is a handrail provided for any ramp rising more than 6 inches or longer than 72 inches?			
d. Are handrails at least 32 inches above ramp surface?			
e. Can handrails be gripped?			
f. Are ramps and landing areas with drop-offs provided with at least a 2-inch curb at the side to prevent slipping off the ramps?			

<b>Category III: Ramps and elevators entering or inside the building</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
g. If there is a door at the top of a ramp, is there a level space of at least 5 feet by 5 feet where a wheelchair can rest while the door is opened (if the door opens toward the ramp)?			
3. Elevators (if elevators are the only accessible route):			
a. Is the elevator cab at least 68 inches by 51 inches wide?			
b. Do elevator doors provide at least 36 inches clear width?			
c. Are elevator controls less than 54 inches high (i.e., can a person in a chair operate the controls)?			
d. Are control panels marked with raised lettering?			
e. Is the elevator in close proximity to the entrance of the building?			

### End of Category III

Please go to next category



<b>Category IV: Other architectural features</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
1. Doors along the route of travel:			
a. Do all doors have an opening which clears at least 32 inches wide?			
b. Are all door thresholds less than 1/2 inch high (3/4 inch if the building was erected before 1979)?			
c. Are all doors equipped with either arch or lever-type handles, pushplates, or automatic openers (so that twisting a doorknob is not required)?			
d. Where an automatic door is used, does the door remain open at least 3 seconds?			
e. Are glass doors marked with safety seals?			
2. Stairs along the route:			
a. Do stairs have non-slip surfaces?			
b. Do stairs have handrails at least 34 to 38 inches above the step level?			
c. Can handrails be gripped?			
d. Do all steps have risers (the vertical wall at the back of each step)?			
e. Do all steps have tread areas at least 11 inches deep?			

Category IV: Other architectural features	YES	NO	N/A
f. Are all steps less than 7 inches in height?			
g. Are stairs well-lighted?			
h. Are stairs free of obstacles?			
3. Corridors:			
a. Is the corridor at least 44 inches wide?			
b. Is the corridor free of obstacles or protrusions (such as boxes, water fountains, etc.) which extend more than 12 inches from the wall?			
c. Is there sufficient lighting at all points along the route?			
d. In any corridor longer than 30 feet is there a seating or rest area?			
e. Does the corridor have a non-slip surface?			
f. Are all rugs and mats securely fastened?			

End of Category IV

Please go to next category



Category V: Features within the voting area	YES	NO	N/A
1. Are instructions for voting printed in 14-point or larger type, in simple language, and plainly displayed?			
2. Is there sufficient space for reasonable movement of voters in wheelchairs?			
3. Can all necessary parts of the voting equipment be reached by a person seated in a chair or, at least, is an alternative means of casting a ballot provided?			
4. Are magnifying devices available for those who request them?			
5. Is there adequate lighting in the voting area?			
6. Is seating available for elderly or handicapped voters awaiting their turn to vote?			

End of Category V

Please go to next category



Category VI: If there are other reasons for inaccessibility, please describe:

You may attach additional sheets, if necessary.

Please complete the summary of accessibility on the next page.

Summary of Accessibility by Categories

Please review the responses within each category on the previous pages and indicate below whether each category is:

- INACCESSIBLE (if there is a “NO” response in **any** unshaded box in the category)
- ACCESSIBLE, BUT INCONVENIENT (if all “NO” responses in the category are only in shaded boxes and all the responses in the **unshaded** boxes are either “YES” or “N/A”)
- FULLY ACCESSIBLE (if **all** responses in the category are either “YES” or “N/A”)

Category	Inaccessible	Accessible, but inconvenient	Fully accessible
I. Parking			
II. Walkways or pathways to the building			
III. Ramps and elevators entering or inside the building			
IV. Other architectural features			
V. Features within the voting area			
VI. Other			

Overall determination of polling place accessibility

If one or more of the categories are marked “INACCESSIBLE,” then the polling place is ..... **INACCESSIBLE** ☐

If no category is marked “INACCESSIBLE,” but one or more are marked “ACCESSIBLE, BUT INCONVENIENT” then the polling place is ..... **ACCESSIBLE, BUT INCONVENIENT** ☐

If all categories above are marked “FULLY ACCESSIBLE,” then the polling place is ..... **FULLY ACCESSIBLE** ☐

Disposition of inaccessible polling place		
If the polling place is INACCESSIBLE	YES	NO
A. Has an alternative accessible facility been sought?		
B. Are permanent or temporary alterations planned to render the polling place accessible in the coming election?		

**21.50(5) Temporary waiver of accessibility requirements.** Notwithstanding the waiver provisions of 721—Chapter 10, if the county commissioner is unable to provide an accessible polling place for any precinct, the commissioner shall apply for a temporary waiver of accessibility requirements pursuant to this subrule. Applications shall be filed with the secretary of state not later than 60 days before the date of any scheduled election. If a waiver is granted, it shall be valid for two years from the date of approval by the secretary of state.

*a.* Each application shall include the following documents:

- (1) Application for Temporary Waiver of Accessibility Requirements.
- (2) A copy of the Polling Place Accessibility Survey Form for the polling place to be used.
- (3) A copy of the Polling Place Accessibility Survey Form for any other buildings that were surveyed and rejected as possible polling place sites for the precinct.

*b.* If an accessible place becomes available at least 30 days before an election, the commissioner shall change polling places and shall notify the secretary of state. The notice shall include a copy of the Polling Place Accessibility Survey Form for the new polling place.

**21.50(6) Emergency waivers.** During the 60 days preceding an election, if a polling place becomes unavailable for use due to fire, flood, or changes made to the building, or for other reasons, the commissioner must apply for an emergency waiver of accessibility requirements in order to move the polling place to an inaccessible building. Emergency waiver applications must be filed with the secretary of state as soon as possible before election day. To apply for an emergency waiver, the commissioner shall send the following documents:

- a.* Application for Temporary Waiver of Accessibility Requirements.
- b.* A copy of the Polling Place Accessibility Survey Form for the polling place selected.
- c.* A copy of the Polling Place Accessibility Survey Form for any other buildings that were surveyed and rejected as possible polling place sites for this precinct.

**21.50(7) Application form.** The following form shall be used to apply for a temporary waiver of accessibility requirements.

## **State of Iowa Application for Temporary Waiver of Accessibility Requirements**

### **Instructions**

**Send a separate application for each precinct.** Do not list more than one precinct on a waiver form.

**Include copies of surveys.** With each application you must send copies (you keep the originals) of the **Polling Place Accessibility Survey Form** for the polling place you would like to use, as well as for any buildings you surveyed and rejected.

**Complete section A or section B, but not both.**

**Section A. No Accessible Place.** If you cannot provide an accessible polling place for a precinct because no accessible buildings are available and no available building can be modified to be accessible on election day, you must apply for a temporary waiver of accessibility requirements.

1. Describe why you are unable to provide an accessible polling place for the precinct. Include the reasons that the polling place you have selected cannot be made accessible for the next election.
2. List other potential polling places you examined and rejected. Enclose a copy of the Polling Place Accessibility Survey Form for each place you list. You keep the original copy of the survey form.
3. List the name and address of the polling place you propose to use. Enclose a copy of the Polling Place Accessibility Survey Form for this place. You keep the original survey form.
4. If a waiver is granted, it will apply to all elections held for two years after the date the waiver is approved by the Secretary of State.



**Section B. Emergency Use.** Use this section to report changes in polling places during the two months before a federal election. For example, you may need to change from an accessible polling place to an inaccessible one because the building has become unusable due to an emergency, such as a fire or flood.

1. Describe the emergency that made it necessary to move the polling place to an inaccessible site.
2. List the name and address of the polling place you propose to use. Enclose a copy of the Polling Place Accessibility Survey Form for this place. You keep the original survey form.

**Review the application form carefully, sign and date it.**

**State of Iowa Application for  
Temporary Waiver of Accessibility Requirements**

**County:** \_\_\_\_\_ **Precinct:** \_\_\_\_\_

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**Section A—No Accessible Place.**

I have surveyed all potential polling places in the precinct listed above and hereby certify that no accessible place is available in or for the precinct. I further certify that this county is unable to make a polling place temporarily accessible in the precinct for the following reasons:

Other potential polling places that have been surveyed and rejected as inaccessible are:

I request permission to use the following building as a polling place until an accessible place becomes available, or for two years, whichever is sooner:

**Section B—Emergency Use.**

Due to emergency conditions, no accessible polling place will be available for the precinct listed above for the next election. The emergency conditions are as follows:

I request permission to use the following building as a polling place for the election to be held on \_\_\_\_/\_\_\_\_/20\_\_\_\_:

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**Statement by Commissioner:**

*Copies of the surveys for all polling places examined and rejected and for the polling place that will be used are included. Any voters with disabilities who are assigned to this precinct and who are unable to enter the polling place will be provided with ballots delivered to their vehicles by the two election officials selected to assist voters. I hereby apply for a determination from the State Commissioner of Elections that an inaccessible polling place may be used in this precinct for the period requested above.*

**Signed:** \_\_\_\_\_, County Auditor and Commissioner of Elections

**Date:** \_\_\_\_\_

**21.50(8) *Evaluation of waivers.*** When the secretary of state receives waiver applications, the applications shall be reviewed carefully. A response shall be sent to the commissioner within one week by E-mail or by fax to notify the commissioner when the waiver request was received and whether additional information is needed.

**21.50(9) *Granting waivers.*** If the secretary of state determines from the documents filed with the waiver request that conditions justify the use of a polling place that does not meet accessibility standards, the secretary of state shall grant the waiver of accessibility requirements. If the secretary of state determines from the documents filed with the waiver request that all potential polling places have been surveyed and no accessible place is available, and the available building cannot be made temporarily accessible, the waiver shall be granted.

**21.50(10) *Notice required.*** Each notice of election published pursuant to Iowa Code section 49.53 shall clearly describe which polling places are inaccessible. The notice shall include a description of the services available to persons with disabilities who live in precincts with inaccessible polling places. The notice shall be in substantially the following form:

Any voter who is physically unable to enter a polling place has the right to vote in the voter's vehicle. For further information, please contact the county auditor's office at the telephone or TTY number or E-mail address listed below:

Telephone: \_\_\_\_\_ TTY: \_\_\_\_\_ E-mail address: \_\_\_\_\_

**21.50(11) *Denial of waiver requests.*** The secretary of state shall review each waiver request. The secretary of state shall consider the totality of the circumstances as shown by the information on the waiver request, information contained in previous applications for waivers for the same precinct and for other precincts in the county, and other relevant available information. The waiver request may be denied if it appears that the commissioner has not made a good-faith effort to find an accessible polling place. If the waiver request is denied, the secretary of state shall notify the commissioner in writing of the reason for denying the request.

This rule is intended to implement Iowa Code section 49.21.

**721—21.51 to 21.199** Reserved.

DIVISION II  
BALLOT PREPARATION

**721—21.200(49) Constitutional amendments and public measures.**

**21.200(1)** The order of placement on the ballot for constitutional amendments and statewide public measures to be voted upon at a single election shall be determined by the state commissioner, and a number shall be assigned to each constitutional amendment or statewide public measure by the state commissioner.

*a.* The number assigned by the state commissioner to each constitutional amendment or statewide public measure to appear on the ballot for a single election shall be printed on the ballot immediately preceding and above the words "Shall the following amendment to the Constitution (or public measure) be adopted?" or the words "Shall there be a Convention to revise the Constitution, and propose amendment or amendments to same?".

*b.* The number assigned by the state commissioner shall be printed on the ballot at least 1/8 of an inch high in the designated place.

*c.* Even if only one constitutional amendment or statewide public measure is to appear on a ballot to be voted upon at a single election, an identifying number shall be assigned by the state commissioner and shall be printed on the ballot in the prescribed manner.

**21.200(2)** The order of placement on the ballot for each local public measure to be voted upon at a single election shall be determined by the commissioner, and a letter shall be assigned to each local public measure by the commissioner.

a. The letter assigned by the commissioner to each local public measure to appear on a ballot for a single election shall be printed on the ballot immediately preceding and above the words "Shall the following public measure be adopted?"

b. The letter assigned by the commissioner shall be printed on the ballot at least 1/8 of an inch high in the designated place.

c. Even if only one public measure is to appear on a ballot to be voted upon at a single election, an identifying letter shall be assigned by the commissioner and shall be printed on the ballot in the prescribed manner.

**21.200(3)** The words describing proposed constitutional amendments and statewide public measures when they appear on the ballot shall be determined by the state commissioner. The state commissioner shall select the words describing the proposed constitutional amendments and statewide public measures in the following manner:

a. Not less than 150 days prior to the election at which a proposed constitutional amendment or statewide public measure is to be voted on by the voters, the state commissioner shall prepare a proposed description to be used on the ballots in administrative rule form and shall file the proposed rules with the administrative rules coordinator for publication in the Iowa Administrative Bulletin.

b. The rules shall provide that written comments regarding the proposed description will be accepted by the state commissioner for a period of time not less than 20 days after the date of publication in the Iowa Administrative Bulletin.

c. The state commissioner shall review any written comments which have been timely received and make any changes deemed to be warranted in the description to be printed on the ballots.

This rule is intended to implement Iowa Code sections 47.1 and 49.44.

#### **721—21.201(44) Competing nominations by nonparty political organizations.**

**21.201(1)** *Nominations by convention and by petitions.* If one or more nomination petitions are received from nonparty political organization candidates for an office for which the same organization has also nominated one candidate by convention, the candidate nominated by convention shall be considered the nominee of the organization. The names of the other candidates shall appear on the ballot as candidates "nominated by petition," and those candidates shall be notified in writing not later than seven days after the close of the filing period.

**21.201(2)** *Multiple nomination petitions.* If nomination petitions are received from more than one candidate from the same nonparty political organization for the same office and the organization has not nominated a candidate for the office by convention, the name of each of these candidates shall be written on a separate piece of paper, all of which shall be as nearly uniform in size and material as possible and placed in a receptacle so that the names cannot be seen. On the next working day following the close of the nomination period, all affected candidates shall be notified of the time and place of the drawing. The candidates shall be invited to attend or to send a representative. In the presence of witnesses, the state commissioner of elections or the county commissioner, as appropriate, or a designee of the state or county commissioner, shall publicly draw one of the names; and that person shall be declared to be the nominee of the nonparty political organization. The names of the other candidates shall appear on the ballot as candidates "nominated by petition." A copy of the written record of the result of the drawing shall be kept with the nomination petition of each affected candidate, and each candidate shall be sent a copy for the candidate's records not later than seven days after the close of the filing period.

**21.201(3) *Multiple nomination certificates.*** If more than one nomination certificate is received for the same office from groups with the same nonparty political organization name, the name of each of these candidates shall be written on a separate piece of paper, all of which shall be as nearly uniform in size and material as possible and placed in a receptacle so that the names cannot be seen. On the next working day following the close of the nomination period, all affected candidates shall be notified of the time and place of the drawing. The candidates shall be invited to attend or to send a representative. In the presence of witnesses, the state commissioner of elections or the county commissioner, as appropriate, or a designee of the state or county commissioner, shall publicly draw one of the names; and that person shall be declared to be the nominee of the nonparty political organization. The names of the other candidates, including any candidate who filed nomination petitions, shall appear on the ballot as candidates “nominated by petition.” A copy of the written record of the result of the drawing shall be kept with the nomination certificate of each affected candidate, and each candidate shall be sent a copy for the candidate’s records not later than seven days after the close of the filing period.

This rule is intended to implement Iowa Code section 44.17.

**721—21.202 to 21.299** Reserved.